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HOUSE MEMORIAL 68

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rhonda S. King

A MEMORIAL

REQUESTING A STUDY TO EVALUATE WAYS TO PROVIDE A SYSTEM FOR
CITING DRIVERS FOR TRAFFIC VIOLATIONS AND COMPARE THESE WAYS
WITH NEW MEXICO'S CURRENT SYSTEM.

WHEREAS, under current New Mexico law, certified law
enforcement officers must offer a driver at a traffic stop a
choice between agreeing to pay a fine or contesting the
citation in court; and

WHEREAS, the law enforcement officers almost immediately
must submit different paperwork depending on the driver's
decision; and

WHEREAS, research indicates that only seven other states
maintain a system where a decision is made at the time of a
traffic stop as to whether the stop will be contested in court;
and

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1 WHEREAS, many drivers, confused at the time of a traffic
2 stop, later change their minds, causing confusion and delays in
3 the system; and

4 WHEREAS, the uniform traffic citation form does not
5 address all contingencies necessary for an efficient citation
6 system; and

7 WHEREAS, the current system causes some payments to be
8 made at the wrong office, thereby causing incorrect tracking
9 and inappropriate issuance of orders to show cause and
10 inappropriate issuance of bench warrants; and

11 WHEREAS, the legislature's carefully planned distribution
12 of fines and fees thus becomes confusing and does not reflect
13 the legislature's intent;

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
15 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
16 administrative office of the courts, the motor vehicle division
17 of the taxation and revenue department and the department of
18 public safety form a work group to study and evaluate other
19 states' systems of citing drivers for traffic violations and
20 compare the other states' systems with New Mexico's current
21 system; and

22 BE IT FURTHER RESOLVED that the work group study propose
23 legislation to remedy the problems that arise from the current
24 system and present proposed legislation to the legislative
25 finance committee and any other appropriate interim legislative

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1 committee prior to November 1, 2009.

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